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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,054	07/31/2003	Michael D. Camras	LUM-M-12775 US	6333
32566	7590	07/01/2005	EXAMINER	
PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			TRAN, MINH LOAN	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,054

Applicant(s)

CAMRAS ET AL.

Examiner

Minh-Loan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
4a) Of the above claim(s) 1-21 and 35-57 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 22-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/22/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement filed on 02/22/2005 has been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 25-29, 30, 31, stand rejected under 35 U.S.C. 102(a) as being anticipated by West et al. (6,598,998).

With regard to claims 22, 29, figures 4, 6, 7A, 9A of West et al. disclose a device comprising a semiconductor light emitting device 40 comprising a stack of semiconductor layers including p-n junction active region; an optical element 44 bonded to the semiconductor light emitting device 40; wherein the optical element 44 is shaped to direct a portion of light emitted by the p-n junction active region in a direction substantially perpendicular to a central axis 66 of the semiconductor light emitting device 40 and the optical element 44. The cross section of the optical element 44 is thinner in a central region than in a peripheral region (figure 4, 5A, 6, 7A, 9A of West et al.)

With regard to claim 30 and 31, figures 5E-5G of West et al. disclose a surface I of the optical element 44 comprises a reflector.

With regard to claims 25-28, figure 1B of West et al. discloses a device comprising a semiconductor light emitting device 30 comprising a stack of semiconductor layers 38 including active region; an optical element 32 bonded to the semiconductor light emitting device 30; wherein the optical element 32 is shaped to direct a portion P1 of light emitted by the active region in a direction substantially perpendicular to a central axis 26 of the semiconductor light emitting device 30 and the optical element 32. The cross section of the optical element 32 is thinner in a central region than in a peripheral region.

Claims 22, 25-27, 33 stand rejected under 35 U.S.C. 102(b) as being anticipated by Yamana et al. (5,418,384).

With regard to claim 22, figures 7, 9, 11, 22, of Yamana et al. disclose a device comprising a semiconductor light emitting device 26 comprising a stack of semiconductor layers including p-n junction active region; an optical element 25 (or 12) bonded to the semiconductor light emitting device 26; wherein the optical element 25 (12) is shaped to direct a portion of light emitted by the p-n junction active region in a direction substantially perpendicular to a central axis of the semiconductor light emitting device 26 and the optical element 25 (12). A surface 22 of the optical element 25 comprises a reflector (figure 11, 22).

With regard to claims 25-27, figures 7, 9, 11, 22 of Yamana et al. disclose the optical element 25 (12) comprising a wedge having a first surface adjacent to the bond connecting the optical element 25 (12) to the semiconductor light emitting device 26; a substantially flat second surface perpendicular to the first surface and curved third surface that connects the first and second surfaces, wherein the third surface comprises a mirror (figures 9, 11).

With regard to claim 33, figures 7, 9, 11, 22 of Yamana et al. disclose the optical element 25 (12) is elongated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 24, 32, 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamana et al. (5,418,384).

With regard to claims 23, 24 and 34, figures 7, 9, 11, 22 of Yamana et al. disclose all the subject matter claimed except for the third surface is substantially flat and the optical element comprises a rectangular slab. Although Yamana et al. does not teach exact the shape of the third surface and the shape of the optical element as that claimed by the applicants, the shape differences are considered obvious design choices and are not patentable unless unobvious or unexpected results are obtained from these

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changes. It appears that these changes produce no functional differences and therefore would have been obvious. Note *In re Leshin*, 125 USPQ 416, *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Circ. 1990).

With regard to claim 32, Yamana et al. does not disclose the bonding at an interface between the optical element and the semiconductor light emitting device is substantially free of organic-based adhesive. However, it would have been obvious to one of ordinary skill in the art to form the bonding at an interface between the optical element and the semiconductor light emitting device is substantially free of organic-based adhesive because such material (e.g. glass) is conventional in the art for bonding the light emitting device to the optical element. Note paragraph [0058] of Mueller et al. (US 2003/0227249) is cited to support for the well-known position.

Response to Arguments

4. Applicant's arguments filed 04/06/2005 have been fully considered but they are not persuasive.

It is argued, at page 8 of the remarks, that "West does not teach "an optical element bonded to the semiconductor light emitting device" as recited in claim 22." However, figures 4, 5A, 6, 7A, 9A of West et al. disclose a device comprising a semiconductor light emitting device 40 comprising a stack of semiconductor layers including p-n junction active region 52 (figure 5A); an optical element 44 bonded to the semiconductor light emitting device 40. However, "the light emitting device comprising a stack of semiconductor layers" as recited in claim 22 means the light emitting device

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comprising an LED which includes a stack of semiconductor layers and other elements.

Since the light emitting device recited in claim 22 does not mean an LED and

Applicant's claim 22 does not recite an optical element **directly bonded to the LED**

having a stack of semiconductor layers, Applicant's claim 22 does not distinguish over

the West et al. reference. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., optical element **directly bonded to the LED**) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is argued, at page 9 of the remarks, that "the **light emitting diode 29** is not bonded to substrate 25, Yamana clearly does not teach " an optical element bonded to

the semiconductor light emitting device" as recited in claim 22." However, figure 22 of

Yamana et al. does disclose the optical element 22 directly bonded to the light emitting

device 26 which includes a LED 29. In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., optical element **directly bonded to the LED**)

are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In*

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Loan T. Tran whose telephone number is (571) 272-1922. The examiner can normally be reached on Monday-Friday 9:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mlt
06/2005


Minh-Loan T. Tran
Primary Examiner
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